

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

FREYLING VIZCAINO,

Defendant.

ORDER

20 Cr. 241 (RMB)

I. Background

Defendant FREYLING VIZCAINO has stated his intention to enter a plea of guilty pursuant to a plea agreement in this case, and this Court has referred the change-of-plea proceeding to the duty Magistrate Judge;

The ongoing COVID-19 pandemic necessitates that the proceeding take place remotely, and the CARES Act, Pub.L.No. 116-136, 134 Stat. 281 (2020) and findings made both by the Judicial Conference of the United States and by Chief Judge Colleen McMahon of the Southern District of New York allow for guilty pleas to be taken by phone or video, subject to certain findings made by the District Judge;

The Court understands that the duty Magistrate Judge shall conduct the Defendant's change-of-plea proceeding by videoconference or by telephone if, due to scheduling limitations, videoconference is not reasonably available, and that the defendant has specifically consented to the proceeding occurring remotely.

II. Findings

The Defendant, Freyling Vizcaino's change-of-plea proceeding cannot be further delayed without serious harm to the interests of justice, because, among other things, (i) Defendant's case has been pending since his arrest in February 2020 while the parties negotiated a pretrial resolution;

the Defendant has stated an intention to resolve the case by pleading guilty, which would be frustrated by further delay; and (iii) the parties' and the public's interest in finality, certainty, and the speedy disposition of criminal cases all require that the change-of-plea proceeding occur without further delay.

Dated: New York, New York
November 17, 2020

A handwritten signature in black ink that reads "Richard M. Berman". The signature is written in a cursive, flowing style.

THE HONORABLE RICHARD M. BERMAN
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF NEW YORK